

55359

*ADAMS & WESTLAKE, LTD.*

940 N. MICHIGAN STREET

GENERAL OFFICES



AND FACTORIES

*ELKHART, INDIANA 46514*  
*U.S.A.*

PHONE: (219) 264-1141

FAX: 219-264-1146

September 18, 1990

Debbie Fript  
U.S. EPA - Region V  
Emergency Support Section 5HS-12  
230 South Dearborn Street  
Chicago, Illinois 60604

Dear Ms. Fript:

This is in response to your letter of September 4, 1990, advising us of the corrective action to be undertaken in connection with the Himco Landfill.

We have answered inquiries concerning this problem in November, 1988, and April, 1989, directed to Susan Swales, Superfund Program Management Branch.

I have included copies of the previous correspondence which indicates the position taken by Adams & Westlake, Ltd. in May, 1989.

Very truly yours,

LeRoy F. Ott  
President

Enclosures

# ADAMS & WESTLAKE, LTD.

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AND FACTORIES

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ELKHART, INDIANA .....  
U.S.A.

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

May 19, 1989

317-635-3314

Ms. Susan Swales, 5HSM-12  
Superfund Program Management Branch  
U.S. Environmental Protection Agency 5HS-11  
230 South Dearborn Street  
Chicago, Illinois 60604

Re: Adams & Westlake, Ltd., response to  
questions concerning Himco, Inc. Dump in  
Elkhart, Elkhart County, Indiana

Dear Ms. Swales:

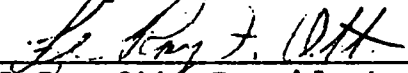
On May 15, 1989 Mr. Victor Franklin granted us a two week extension of time for responding to your April 20, 1989 letter which was addressed to Adams & Westlake Co. Enclosed are the responses of our company, Adams & Westlake, Ltd., to the questions in your letters dated November 10, 1988 and April 20, 1989, which have been notarized and submitted under the signature of a duly authorized official certifying that all information contained in them is true and accurate to the best of the signatory's knowledge and belief and that a diligent search for all documents responsive to the requests has been completed.

Please note that our company, Adams & Westlake, Ltd., was incorporated on November 24, 1982 (see attached certificate and articles of incorporation issued by the Delaware Secretary of State) and thus did not exist during the relevant time period from 1960 to 1979 which is the subject of the questions in your April 20, 1989 letter.

The attached certificate and articles of incorporation from the Delaware Secretary of State demonstrate that a different company named "The Adams & Westlake Company" was in existence during part of the relevant time period from 1960 to 1979 which is the subject of the questions in your April 20, 1989 letter. Despite the similarity in names, our company is not the same corporation as The Adams & Westlake Company. The enclosed documents from the Delaware Secretary of State indicate "The Adams & Westlake Company" changed its name to "Leo Corporation" on December 16, 1982.

5. Adams & Westlake, Ltd. was not in business from 1960 to 1977.
6. Adams & Westlake, Ltd. was not in business from 1960 to 1977. Wastes generated from operations or processes of Adams & Westlake, Ltd. after its incorporation on November 24, 1982 are described in response to questions No. 1 of the request dated November 17, 1988.
7. Adams & Westlake, Ltd. was not in business from 1960 to 1977.
8. Adams & Westlake, Ltd. was not in business from 1960 to 1977. Information concerning disposition of wastes picked up from Adams & Westlake, Ltd.'s facility after its incorporation on November 24, 1982, is provided in response to question No. 1 of the request dated November 17, 1988. Documents relating to those matters are attached.
9. No -- Adams & Westlake, Ltd. was not in business from 1960 to 1977.

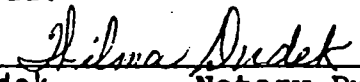
The undersigned, a duly authorized corporate official of Adams & Westlake, Ltd., certifies that to his best knowledge and belief all information in this response is true and accurate and all attached documents are true and authentic and that a diligent search for all documents responsive to this request has been completed.

  
\_\_\_\_\_  
LeRoy Ott, President  
Adams & Westlake, Ltd.

STATE OF INDIANA     )  
                              ) SS:  
COUNTY OF ELKHART    )

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared LeRoy Ott, who acknowledged the execution of the foregoing instrument.

WITNESS my hand and official seal.

  
\_\_\_\_\_  
Wilma Dudek, Notary Public,  
Residing in Elkhart County, Indiana

My Commission Expires:

10-28-89

61861/rdh

A. Response of Adams & Westlake, Ltd., to U.S. Environmental Protection Agency information request dated November 17, 1988.

1. Adams & Westlake, Ltd., 940 N. Michigan Street, Elkhart, Indiana, 46514 -- Incorporated Nov. 24, 1982.

- a. Metal fabrication
- b. Stamping, turning, drilling, milling, welding, non-ferrous casting, polishing, sewing, assembly, sawing.
- c. Aluminum, steel, brass, oil, wood, solvents, paper.
- d. Wood and paper scrap are removed by Himco Waste Away.

Metal dross is consigned to Systems Waste, 4855 52nd Street, S. E., Grand Rapids, Michigan 49508.

Metal stamping and end cut metal scrap is consigned to Sam Winer and Company -- scrap processors, 923 Edwardsburg Ave., Elkhart, Indiana 46514.

Hazardous waste materials are consigned to Safety-Kleen Envirosystems, Inc., State Highway 146, New Castle, Kentucky 40050.

- e. 3400

2. See 1(d) above

Adams & Westlake, Ltd. employee responsible for disposal is Conrad Olson -- Maintenance Foreman.

3. No

B. Response of Adams & Westlake, Ltd., to U.S. Environmental Protection Agency request for information dated April 20, 1989.

1. Conrad Olson -- Maintenance  
LeRoy F. Ott -- President
2. No documents are available to Adams & Westlake, Ltd. for answering the requests.
3. Jack Petersen, 19023 Layden Street, South Bend, Indiana, 46637
4. Adams & Westlake, Ltd. was not in business from 1960 to 1977.

Ms. Susan Swales  
May 19, 1989  
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Accordingly, it appears to us that your questions concerning matters occurring between 1960 and 1979 should be directed to Leo Corporation, the successor to The Adams & Westlake Company.

Sincerely yours,

Adams & Westlake, Ltd.

By: *L. Roy J. Holt* Pres.

6175I



# State of DELAWARE



## Office of SECRETARY OF STATE

I, Michael Harkins, Secretary of State of the State of Delaware,  
do hereby certify that the attached is a true and correct copy of  
Certificate of \_\_\_\_\_ Amendment \_\_\_\_\_  
filed in this office on \_\_\_\_\_ December 16, 1982 \_\_\_\_\_



*Michael Harkins*  
\_\_\_\_\_  
Michael Harkins, Secretary of State

BY: \_\_\_\_\_

*A. Timley*

DATE: \_\_\_\_\_

May 15, 1989

FILED

DEC 16 1982

2:01 PM

CERTIFICATE OF AMENDMENT

OF

CERTIFICATE OF INCORPORATION

*Henry C. Kuylen*  
CHANCELLER OF STATE

\*\*\*\*\*

AWL, LTD., a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware, DOES HEREBY CERTIFY:

FIRST: That the Board of Directors of said corporation, by the unanimous written consent of its members, filed with the minutes of the board, adopted a resolution proposing and declaring advisable the following amendment to the Certificate of Incorporation of said corporation:

RESOLVED, that the Certificate of Incorporation of AWL, LTD. be amended by changing the 1. Article thereof so that, as amended, said Article shall be read as follows:

"1. The name of the corporation is:

ADAMS & WESTLAKE, LTD.

SECOND: That in lieu of a meeting and vote of stockholders, the stockholders have given unanimous written consent to said amendment in accordance with the provisions of section 228 of the General Corporation Law of the State of Delaware.

THIRD: That the aforesaid amendment was duly adopted in accordance with the applicable provisions of sections 242 and 228 of the General Corporation Law of the State of Delaware.

IN WITNESS WHEREOF, said AWL, LTD. has caused this  
certificate to be signed by Frank R. Krok its President, and  
attested by Jo E. Osborn, its Secretary this 3<sup>rd</sup> day of  
December, 1982.

  
\_\_\_\_\_  
Frank R. Krok, President

ATTEST:

By   
\_\_\_\_\_  
Jo E. Osborn, Secretary

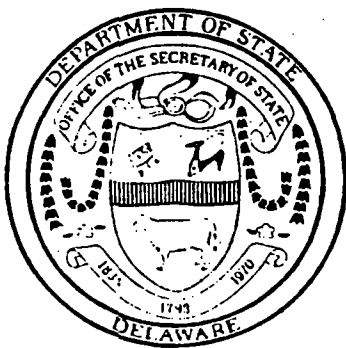




# State of DELAWARE

## Office of SECRETARY OF STATE

I, Michael Harkins, Secretary of State of the State of Delaware,  
do hereby certify that the attached is a true and correct copy of  
Certificate of Incorporation  
filed in this office on November 24, 1982



*Michael Harkins*  
Michael Harkins, Secretary of State

BY: *A. Smiley*

DATE: May 15, 1989

CERTIFICATE OF INCORPORATION  
OF

AWL, LTD

12 noon  
FILED

NOV 24 1982

*Alvin C. Keston*  
SECRETARY OF STATE

1. The name of the corporation is:

AWL, LTD.

2. The address of its registered office in the State of Delaware is 100 West Tenth Street in the City of Wilmington, County of New Castle. The name of its registered agent at such address is The Corporation Trust Company.

3. The nature of the business or purposes to be conducted or promoted is to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of Delaware.

4. The total number of shares of stock which the corporation shall have authority to issue is One Thousand (1,000) all of such shares shall be without par value.

5. The board of directors is authorized to make, alter or repeal the by-laws of the corporation. Election of directors need not be by ballot.

6. The name and mailing address of the incorporator is:

L. M. Custis  
100 West Tenth Street  
Wilmington, Delaware 19801

I, THE UNDERSIGNED, being the incorporator hereinbefore named, for the purpose of forming a corporation pursuant to the General Corporation Law of Delaware, do make this certificate, hereby declaring and certifying that this is my act and deed and the facts herein stated are true, and accordingly have hereunto set my hand this 15th day of November, 1982.

*L. M. Custis*  
\_\_\_\_\_  
L. M. Custis